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October 18, 1995

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Honorable William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street N. W. - Room 222
Washington, DC 20554

RE: PR DOCKET NO. 93-305

MEMORANDUM OPINION AND ORDER

ADOPTED SEPTEMBER 21, 1995; RELEASED OCTOBER 2, 1995

Dear Mr. Secretary:

We enclose our Section 405A Petition for Reconsideration, directed to a portion of the captioned Memorandum Opinion And Order.

Such enclosure includes the original Petition, together with 5 copies.

Please be kind enough to advise us, should we have not filed the preceding papers in proper order.

Thank you.

Very Truly Yours,



CHARNELLE H. SUMMERS, JR.

encl:

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Before the
Federal Communications Commission
Washington, DC 20554

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PR Docket No. 93-305

In the Matter of

Amendment of the Amateur Service Rules to Implement a Vanity Call
Sign System

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Memorandum Opinion and Order

Adopted: September 21, 1995; Released: October 2, 1995.

PETITION FOR RECONSIDERATION

Petitioner, CHARNELLE H. SUMMERS, JR., respectfully files this Petition for Reconsideration of the above entitled Memorandum Opinion and Order, stating:

1. This Petition is addressed to the GRANTING IN PART of the Petition for Reconsideration of David P. Popkin, by amending Part 97 as set forth in the APPENDIX to the foregoing Memorandum and Order appearing at Paragraph 3 therein. Specifically our Petition is directed to the following text of such APPENDIX:

3. Section 97.19 is amended by revising paragraph (d) introductory text and adding new paragraph (d)(4) to read as follows:

§ 97.19 Application for a vanity call sign.

* * * * *

(d) The vanity call sign requested by an applicant must be selected from the group of call signs

corresponding to the same or lower class of operator license held by the applicant as designated in the sequential call sign system.

* * * * *

2. We would suggest that the enactment of the foregoing amendment, by inadvertence, has penalized a significant group of older and experienced amateur operators who have been licensed for many years and are themselves survivors of pioneer amateur licensees who died more than two years ago, leaving unassigned calls of a grade superior to that held by their survivor.

3. The commission, **III DISCUSSION**, at **Paragraph 9**, of the subject Memorandum and Order, supported its decision to adjudicate the foregoing amendment by concluding as follows:

(emphasis added)

9. The current vanity call sign system allows a licensee to request a call sign corresponding to the same operator class currently held, or to a lower class. The rules, however, permit a close relative to request the former call sign of a deceased licensee regardless of operator class. Upon reconsideration, we are persuaded that this latter provision could result in unfair assignments. For example, a Novice Class operator could obtain a Group A call sign simply because a now-deceased relative once passed the rigorous examination for an Amateur Extra Class operator license. For this reason, we conclude that the close relative exception should be limited to persons who hold the requisite or higher class

of operator license. The lower class licensee, however, is not without recourse. Section 97.19(c)(3) of the Commission's Rules, 47 C.F.R. §97.19(c)(3), provides a two-year period following a licensee's death during which the call sign is available only to close relatives. This allows a reasonable period for the relative to pass the examinations for the requisite class of license.

4. Placing this matter in historical perspective and practical application, it should be recognized that many current amateur licensees, together with their predeceased parents, were granted "Class A" licenses by the FCC long before the existing licensing structure came into being. Class A was the highest grade of license bestowed, awarded upon examination after completion of at least one year's apprentice experience as a "Class B" licensee. The entry level Class B operator was initially licensed by successfully passing a written test, together with demonstration of 13 word per minute code proficiency, proved by copy of straight text before the examiner.

5. When the existing configuration of license structure consisting of Novice, Technician, General, Advanced and Extra Class was enacted, those amateurs holding the prior Class A license were given either Advanced or Extra Class privileges without examination, depending on their licensing tenure. Class A operators licensed for at least 25 years were elevated into the Extra Class, others were designated as Advanced Class.

6. Consider by example your Petitioner who, among with many other grandfathered Advanced Class operators, sat for the Class A

examination, the better part of 50 years ago. Yet we survive parents who died more than two years ago, and were former Class A operators as well, but grandfathered into Extra Class status.

By way of parenthetical illustration, I was first licensed with my present call sign, W4IJE, as Class B in 1946, upgraded to Class A in 1947 and later grandfathered to Advanced class. My late father was first licensed in 1914, as W4AR, later upgraded to Class A licensee, then grandfathered into the Extra Class. He died in 1991, leaving his original call letters, W4AR, unassigned.

7. The amendment to which we now take exception would not allow many operators such as your Petitioner and those similarly situated, two years in which to upgrade to Extra Class. To the contrary, such an upgrade would have to be accomplished in an untenable period, a scarce few months at the most, in order to inherit our parent's call sign.

WHEREFORE, Petitioner respectfully requests the Commission to reconsider its ruling as set forth above, amending the same to allow survivors of deceased Extra Class licensees the right to be assigned their late parent's call signs, as a vanity call sign grant without upgrade requirement, when (1) the applicant holds and has held an Advanced Class License for at least 25 years and (2) the deceased parent has been dead for more than two years.

Respectfully Submitted,



CHARNELLE H. SUMMERS, JR.
Petitioner, Pro Se

Petitioner's name and address:
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I hereby certify that the original foregoing Petition, accompanied by 5 true copies thereof, was on this 18th Day of October 1995, delivered by mailing, Certified Mail, Return Receipt Requested, to William F. Caton, Acting Secretary, Federal Communications Commission, 1919 M Street, N. W., Room 222, Washington, DC 20554.



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